

HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

W.P.No.30136 of 1997

Date: 29.01.2007

Between:

Syed Mohammed, represented by his G.P.A.
Holder Sri Perabu Sayed Ahmed

.... Petitioner

And

Vizianagaram Municipality, represented by its
Chairman, Vizianagaram and 3 others.

.... Respondents

ORDER:

Being aggrieved by the action of the respondents in forcibly granting pattas to third parties and allowing the fourth defendant-Housing Board to construct houses in petitioner's land situated in T.S.No.3, Vizianagaram Cantonment Area by dispossessing him, the present writ petition has been filed questioning the said action as arbitrary and illegal.

The petitioner is the absolute owner of the subject land and when the first respondent tried to take measurements of the subject land, the petitioner filed O.S.No.27 of 1985 on the file of District Munsif's Court, Vizianagaram which was decreed granting permanent injunction against the first respondent herein. The third respondent is now giving away pattas

to third parties in respect of the subject land and handing over the same to fourth respondent-Housing Board, who is trying to construct buildings in the subject land, without initiating any proceedings under the Land Acquisition Act.

The fourth respondent filed the counter contending that it has never proposed any housing scheme in the subject land and on enquiry, it was informed that the subject land was allotted to Andhra Pradesh State Housing Corporation and not to the fourth respondent and that it has nothing to do with the said dispute and A.P. State Housing Corporation is proper party and not this respondent.

No counter was filed on behalf of the respondents 1 to 3.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for respondents 1 to 3 and the learned standing counsel for fourth respondent.

Having heard the learned counsel for the petitioner and after perusing the judgment in O.S.No.27 of 1985 passed on 28.7.1993 by the learned Principal District Munsif, Vizianagaram, I am of the considered view that the petitioner is having *prima facie* title over the subject land and the respondents, without initiating any proceedings under the Land Acquisition Act, are forcibly trying to dispossess the petitioner from the subject land and handing over the

same to fourth respondent to construct the houses to third parties. If really the respondents require the subject land, definitely they should follow necessary procedure as contemplated under the Land Acquisition Act.

Accordingly, the writ petition is disposed of directing the respondents to issue proper notice to the petitioner before acquiring the subject land, if it is required for public purpose and follow the due procedure as contemplated under the Land Acquisition Act.

GOPALAKRISHNA TAMADA, J

Date: 29th January 2007

Ksn